



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

mf

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/253,014 02/19/99 WOOLSTON

T 55422.000005

FISH & RICHARDSON P.C.
601 THIRTEENTH STREET, NW
WASHINGTON DC 20005

LM02/1227

EXAMINER

SMITH, D

ART UNIT

PAPER NUMBER

2763

13

DATE MAILED:

12/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/253,014

Applicant(s)
Woolston

Examiner
Demetra R. Smith

Group Art Unit
2764



☒ Responsive to communication(s) filed on Feb 19, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 11-63 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 11-63 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6, 8, 11

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Part III DETAILED ACTION

Drawings

1. The drawings are objected to for reasons as set forth by the Notice of Draftsperson's Patent Drawing Review on form PTO-948. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11, 12, 16, 18, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Silverman et al (5,136,501).

As to claims 11, 12, 16, 18, and 49, Silverman et al discloses:

two collections of information which are being maintained at the client site. One of these collections of information is the book for each instrument which is maintained at the keystation sites. Another book maintained at each site is the local entry data base or order book. Each time

a client site starts up as a keystation, the keystation is preferably initially empty and requests the download of the currently active books from the central system. (See col. 12, lines 49-63);

the enter bid event consist of the keystation submits a bid transaction to the central system. The directed message or directed response which it receives back from the central system or host is termed a bid acknowledgment or BID-ACK (see col. 8, lines 36-41);

this acknowledgment is a command acknowledgment which is preferably followed by an entry position message (see col. 8, lines 42-44);

clearing information may be stored at the central system (see col. 10, lines 64-66).

As to claims 12, and 16, Silverman et al discloses a clearing agency may be informed as to the details of the trade so that payments and exchanges may be complete (see col. 7, lines 18-20).

As to claims 18, Silverman et al discloses the system will display the best inside price for every instrument traded on the system (see col. 6, lines 53-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-15, 17, 19, 20, 22-27, 29-48, 50-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman et al in view of Dedrick (5,752,238).

As to claims 20, 21, 22, 26, 28, 29, 33, 40, 43, 44, 54, 55 and 56, Silverman et al discloses:

two collections of information which are being maintained at the client site. One of these collections of information is the book for each instrument which is maintained at the keystation sites. Another book maintained at each site is the local entry data base or order book. Each time a client site starts up as a keystation, the keystation is preferably initially empty and requests the download of the currently active books from the central system. (See col. 12, lines 49-63);

the enter bid event consist of the keystation submits a bid transaction to the central system. The directed message or directed response which it receives back from the central system or host is termed a bid acknowledgment or BID-ACK (see col. 8, lines 36-41);

this acknowledgment is a command acknowledgment which is preferably followed by an entry position message (see col. 8, lines 42-44);

clearing information may be stored at the central system (see col. 10, lines 64-66);

such items as the bidder offer indicator, the instrument ID number, the quote, the quantity, the time-stamp, the keystation transaction number, the assigned trading party credit limits, etc. are maintained (see col. 10, lines 54-59);

the first thing that a keystation at a client site does when it connects the network and, thereby, through to the central system, is to request a download of all the current active books. The host, then preferably sends a snapshot of each book and, from then on, the central system will continue to send out updates on either a periodic basis or immediately after each change to indicate that the various items in the book have changed (see col. 12, lines 10-19);

Silverman fails to disclose "receiving through a world wide web page." However, Dedrick teaches the software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases. Thus in view of Dedrick, it would have been obvious to one skill in the art at the time of the invention to modify the network of Silverman et al to include the software tools that include hypertext oriented mark up language of Dedrick in order to provide a network system that uses tags to mark elements, such as text and graphics in a document to indicate how web browsers should display documents on the World Wide Web.

As to claims 23, 30, 34, and 46, Silverman et al discloses a clearing agency may be informed as to the details of the trade so that payments and exchanges may be complete (see col. 7, lines 18-20).

As to claims 13 and 35, Silverman et al fails to disclose the limitations. However, Dedrick teaches the software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases. Thus in view of Dedrick, it would have been

Art Unit: 2764

obvious to one skill in the art at the time of the invention to modify the network of Silverman et al to include the software tools that include hypertext oriented mark up language of Dedrick in order to provide a network system that uses tags to mark elements, such as text and graphics in a document to indicate how web browsers should display documents on the World Wide Web.

As to claims 14 and 27, Silverman et al discloses a clearing agency may be informed as to the details of the trade so that payments and exchanges may be complete (see col. 7, lines 18-20). Silverman et al fails to disclose receiving through a world wide web page. However, Dedrick teaches a network system that has software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases. Thus in view of Dedrick, it would have been obvious to one skill in the art at the time of the invention to modify the network of Silverman et al to include the software tools that include hypertext oriented mark up language of Dedrick in order to provide a network system that uses tags to mark elements, such as text and graphics in a document to indicate how web browsers should display documents on the World Wide Web.

As to claims 15, 17, 24, 31, 36, 37, 38, 42, 47, and 52 Silverman et al discloses credit limits for the trading party (see col. 7, line 35). Silverman et al however fails to disclose payments with debit or credit card accounts. However, Dedrick teaches the balance may be specified by the end user and approved by the clearinghouse server. Approval may be based upon a credit card

number or bank account number provided by the end user. Thus in view of Dedrick, it would have been obvious to one skilled in the art to modify the clearing agency of Silverman et al to include a clearinghouse server that enables the users to provide a credit card number or bank card account for payment purposes.

As to claims 19, 22, 39, 41, 45, and 50, Silverman et al fails to disclose "a presentation format [that] is a hyper text markup language format" and a "world wide web page server interface." However, Dedrick teaches the software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases. Thus in view of Dedrick, it would have been obvious to one skill in the art at the time of the invention to modify the network of Silverman et al to include the software tools that include hypertext oriented mark up language of Dedrick in order to provide a network system that uses tags to mark elements, such as text and graphics in a document to indicate how web browsers should display documents on the World Wide Web.

As to claims 25, 32, 48, 51, and 53, Silverman et al discloses the seller will get an indication that his bid has traded by means of a match notification and he will, thereafter, be informed who the courter party was after the match has been made. The clearing and settlement of the trade will then preferably be the responsibility of the subscribers (see col. 14, lines 3-8).

As to claims 57, 58, 59, 60, 61, 62, and 63 Silverman et al discloses:

two collections of information which are being maintained at the client site. One of these collections of information is the book for each instrument which is maintained at the keystation sites. Another book maintained at each site is the local entry data base or order book. Each time a client site starts up as a keystation, the keystation is preferably initially empty and requests the download of the currently active books from the central system. (See col. 12, lines 49-63);

the enter bid event consist of the keystation submits a bid transaction to the central system. The directed message or directed response which it receives back from the central system or host is termed a bid acknowledgment or BID-ACK (see col. 8, lines 36-41);

this acknowledgment is a command acknowledgment which is preferably followed by an entry position message (see col. 8, lines 42-44);

clearing information may be stored at the central system (see col. 10, lines 64-66);

such items as the bidder offer indicator, the instrument ID number, the quote, the quantity, the time-stamp, the keystation transaction number, the assigned trading party credit limits, etc. are maintained (see col. 10, lines 54-59);

the first thing that a keystation at a client site does when it connects the network and, thereby, through to the central system, is to request a download of all the current active books. The host, then preferably sends a snapshot of each book and, from then on, the central system will

Art Unit: 2764

continue to send out updates on either a periodic basis or immediately after each change to indicate that the various items in the book have changed (see col. 12, lines 10-19);

Silverman fails to disclose "receiving through a world wide web page." However, Dedrick teaches the software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases. Thus in view of Dedrick, it would have been obvious to one skill in the art at the time of the invention to modify the network of Silverman et al to include the software tools that include hypertext oriented mark up language of Dedrick in order to provide a network system that uses tags to mark elements, such as text and graphics in a document to indicate how web browsers should display documents on the World Wide Web.

In addition, Silverman fails to disclose a "fee calculation." However Dedrick teaches electronic content consumption fees (see col. 1, lines 54-55). Thus in view of Dedrick, it would have been obvious to one skilled in the art to modify system of Silverman et al to in a fee consumption of Dedrick in order to provide a price for usage of the auction system operation.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Demetra R. Smith**, whose telephone number is (703) **308-6989**. The examiner can normally be reached on Tuesday-Friday from 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, **Kevin J. Teska**, can be reached at (703) **305-9704**. Additionally, the fax phone for Art Unit 2764 is (703) **308-9051 or 308-9052**, (for formal communications intended for entry), or (703) **308-5397** (for informal or draft communications, please label "PROPOSED" OR "DRAFT").


Art Unit: 2764

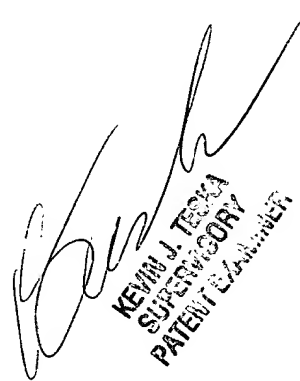
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[Demetra.Smith@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.


Demetra R. Smith
Patent Examiner
Group Art Unit 2764
December 19, 1999


KEVIN J. TESKEY
SUPERVISORY
PATENT EXAMINER